

RICHMAN & LEVINE, P.C.
ATTORNEYS AT LAW

666 OLD COUNTRY ROAD, SUITE 101
GARDEN CITY, NEW YORK 11530
TEL: (516) 228-9444 • FAX: (516) 228-9514
www.richmanlevine.com

KEITH H. RICHMAN
SETH A. LEVINE*
IRA W. SELIGMAN†
DANIELLE A. EFROS
STEVEN C. RICHMAN,†
OF COUNSEL

CAROLYN M. KEELAN
JOANNE M. DARVID
PARALEGALS

April 27, 2018

Via E-mail and Regular Mail

Sharon E. Kivowitz, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, NY 10007

Re: **Administrative Order for a Remedial Design Index No. CERCLA-02-2018-2015;
New Cassel/Hicksville Contaminated Groundwater Superfund Site, OU1**

Dear Ms. Kivowitz:

This firm represents 570 Properties, Inc. ("570 Properties"). In accordance with the letter of the United States Environmental Protection Agency ("USEPA") dated April 19, 2018, we write to offer our written comments to the Unilateral Administrative Order ("UAO") issued by the USEPA on March 2, 2018.

570 Properties hereby adopts and joins in the comments raised in the April 25, 2018 letter transmitted to the USEPA by Robert R. Lucic, Esq. and Sheila A. Woolson, Esq., attorneys for IMC Eastern Corp. ("IMC") and Island Transportation Corp. ("ITC"), respectively. Moreover, 570 Properties joins in those entities' concerns regarding USEPA's incorrect Conceptual Site Model, which has resulted in an inadequate characterization of site conditions at OUI and a flawed Feasibility Study.

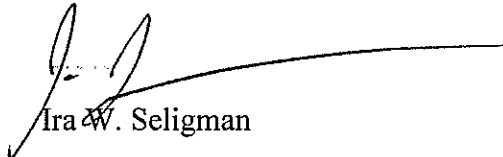
570 Properties would also add that it is concerned with USEPA's potential failure to consider its own guidance regarding the *de minimis* settlement provisions of CERCLA § 122(g)(1)(A) and (B). Indeed, those provision direct that USEPA, to the extent possible, settle with (A) generators who have contributed minor or insignificant amounts of hazardous substances to an already contaminated facility and (B) with owners of facilities who "did not conduct or permit the generation, transportation, storage, treatment, or disposal of any hazardous substance at the facility" and who "did not contribute to the release or threat of release ... through

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any act or omission.” USEPA’s UAO does not reflect any effort on the part of the Agency to determine whether any of the Respondents to that UAO, including 570 Properties, qualify for a *de minimis* settlement under USEPA’s own guidance.

570 Properties, like IMC and ITC, does not believe it is a Potentially Responsible Party, and believes that it is at most a *de minimis* party contributing insignificantly to the overall contamination of OU1. Thus, 570 Properties joins in IMC’s and ITC’s request that USEPA withdraw the UAO in its entirety and conduct a full Remedial Investigation, or in the alternative, remove 570 Properties from the list of Potential Responsible Parties at OUI.

Very truly yours,



Ira W. Seligman

cc: 570 Properties, Inc.